

A091 (Rev. 8/01) Criminal Complaint

Clerk, U.S. District Court  
Southern District of Texas  
FILED

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

SEP 24 2014

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA  
V.  
**Cinthia Elizabeth CURIEL**  
  
**Rosendo Gutierrez CURIEL**

**CRIMINAL COMPLAINT**

Case Number: **C-14-1015M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 9/23/2014 in Brooks County, in the  
(Date)

Southern District of Texas, the defendant(s)

**Cinthia Elizabeth CURIEL**  
**Rosendo Gutierrez CURIEL**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.  
I further state that I am a(n) Special Agent and that this complaint is based on the  
following facts:  
Official Title

See Attached Affidavit of ICE Special Agent

**Anne McGee**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No



Signature of Complainant

**Anne McGee**

Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found

September 24, 2014

Date

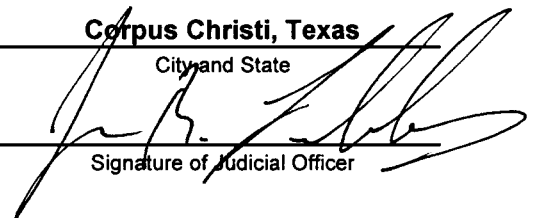
Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State



Signature of Judicial Officer

## AFFIDIVIT

On September 23, 2014, at approximately 1200 hours, Border Patrol (BP) Agent Nathan Smith was assigned immigration inspection duties at the United States BP Immigration Checkpoint located 13 miles south of Falfurrias, Texas. Agent Smith observed a black Dodge arrive to the primary area of inspection for an immigration inspection of the occupants. Agent Smith asked the driver, later identified as Cinthia Elizabeth CURIEL, if she was a citizen of the United States to which she stated, "Yes". Agent Smith then asked the front passenger, later identified as Rosendo Gutierrez CURIEL, if he was a United States Citizen to which he replied, "No" and presented a valid Lawful Permanent Resident Card (A#037-805-027). Agent Smith asked the rear passenger, later identified as Jose Andres BORREGO-RODRIGUEZ, if he was a United States Citizen. RODRIGUEZ said, "Yes" and handed the Agent a valid Texas, Under 21, Identification Card (#28421673) bearing the name Giovanni BOTELLO and a City of Dallas Certification of Vital Record (#243776-1990) bearing the same name. Agent Smith looked at the photo and noticed that the photo on the I.D. card had been damaged. Upon taking a closer look at the I.D. card, the Agent noticed the photo of the person on the I.D. card and RODRIGUEZ'S noses were different shapes. Based on his experience with impostor cases and that fact RODRIGUEZ did not appear to be the person on the I.D. Agent Smith directed the vehicle to park in the secondary area for further inspection of the vehicle's occupants.

Once in the secondary area, RODRIGUEZ was directed to exit the vehicle and was taken inside the checkpoint for further questioning. Once inside the checkpoint, BP Agent Edgar Garcia began to question RODRIGUEZ as to his citizenship. After a few minutes, RODRIGUEZ admitted being citizen and national of Mexico without any documentation to legally be in the United States. At that point, all other subjects were placed under arrest and escorted into the checkpoint for further processing.

All subjects were read their Miranda Warnings. Cinthia Elizabeth CURIEL verbally stated she understood her rights and signed the form accordingly. After signing the form, Cinthia Elizabeth CURIEL stated she did not want to answer any questions without a lawyer present. No further questions were asked. Record Checks show Cinthia Elizabeth CURIEL was arrested at the Laredo North BP Checkpoint on November 24, 2012 for attempting to smuggle an illegal alien.

Rosendo Gutierrez CURIEL verbally stated he understood his rights and signed form accordingly. Rosendo Gutierrez CURIEL said he met RODRIGUEZ at a gas station on United States Highway 281 and Highway 107, possibly in Edinburg, Texas. Rosendo Gutierrez CURIEL then stated RODRIGUEZ was going to pay him five hundred (\$500) dollars to help him with gas. He then said RODRIGUEZ showed him an identification card and a birth certificate. Agent Smith asked Rosendo Gutierrez CURIEL if he had ever been arrested before and he said, "Yes, for intoxication assault". Rosendo Gutierrez CURIEL also stated he is currently on probation.

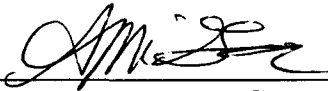
BORREGO-Rodriguez's STATEMENT:

Jose Andres BORREGO-Rodriguez stated he understood his rights and signed the form accordingly. BORREGO-Rodriguez stated he was a citizen on Mexico who illegally entered the United States by crossing the Rio Grande River on an inflatable raft, on or about September 12, 2014. BORREGO-Rodriguez said he made arrangements with a friend of the family, "El Pollo" who resides in Dallas, Texas, and paid seven hundred (\$700) dollars to be smuggled into the United States and taken to Dallas, Tx.

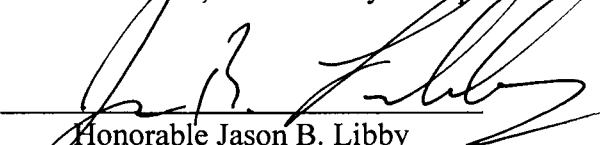
BORREGO-Rodriguez said after crossing the river a man drove him to a house, where he stayed about ten to twelve (10-12) days. BORREGO-Rodriguez said about two (2) days ago he called a friend he knew from when he used to live in Dallas, Texas. BORREGO-Rodriguez said the friend's name is Cinthia, and he asked her if she could help him cross the checkpoint. BORREGO-Rodriguez said Cinthia knew he was illegally present in the U.S., and she told him she did not want to get in trouble. BORREGO-Rodriguez said he told Cinthia he had acquired U.S. documents to present at the checkpoint.

BORREGO-Rodriguez said a caretaker from the house gave him a ride to a nearby Walmart, where he borrowed a phone to call Cinthia. BORREGO-Rodriguez waited about an hour then Cinthia arrived, driving a black Dodge Ram, and picked him up. BORREGO-Rodriguez said Cinthia seemed scared, but he told her not to worry. BORREGO-Rodriguez said he gave Cinthia three hundred (\$300) dollars, and told her and her husband, Rosendo, once he got a good job he would pay them five hundred (\$500) dollars. BORREGO-Rodriguez said Cinthia told him to say he worked with her husband, Rosendo. BORREGO-Rodriguez said Rosendo knew he was illegally present in the U.S.

The illegal alien did not require medical attention, nor did he make any exculpatory statements regarding the case. AUSA Ken Cusick was contacted and prosecution was accepted against both CURIELs for violation of 8USC1324.

  
\_\_\_\_\_  
Anne McGee  
Special Agent  
Homeland Security Investigations

SWORN AND SUBSCRIBED before me, this 24th day of September 2014,

  
\_\_\_\_\_  
Honorable Jason B. Libby  
United States Magistrate Judge